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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;
16 OTTOMOTTO LLC; OTTO TRUCKING
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL ITS RESPONSE TO
COURT INQUIRY RE UBER'S FAILURE
TO PRODUCE JACOBS LETTER AND
EMAIL**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its Response To Court Inquiry Regarding Uber’s Failure To Produce Jacobs Letter And Email (“Waymo’s Response”) and exhibits thereto. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Waymo’s Response	Highlighted in blue	Defendants
Exhibit 1 of Waymo’s Response	Highlighted in blue and green	Defendants (blue); Waymo (green)
Exhibit 2 of Waymo’s Response	Highlighted in green	Waymo
Exhibit 5 of Waymo’s Response	Entire document	Waymo
Exhibit 7 of Waymo’s Response	Entire document	Waymo & Defendants
Exhibit 8 of Waymo’s Response	Entire document	Defendants

I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. WAYMO’S SUPPLEMENTAL BRIEF AND ACCOMPANYING EXHIBITS

Waymo seeks to seal the portions of Waymo’s Response and accompanying Exhibits 1, 2, 5 and 7 because these documents contain or refer to Waymo’s trade secret and confidential business information. *See* Declaration of Andrea Pallios Roberts (“Roberts Decl.” ¶ 3.) Specifically, portions of Waymo’s Response Regarding Jacobs Letter, and Exhibit 5 and 7 identified by Waymo in the table above contain key terms and other information related to Waymo’s trade secrets and confidential business information. *Id.* The documents and highlighted portions listed above describe information relating to the technical specifications and designs of Waymo’s trade secrets. *Id.* These trade secrets are maintained as secret by Waymo (Dkt. 25-47) and are valuable as trade secrets to Waymo’s business (Dkt. 25-31). *Id.* The public disclosure of this information would give Waymo’s competitors

1 access to information relating to the functionality of Waymo's autonomous vehicle system. *Id.* The
2 documents and highlighted portions listed above also divulge confidential business information. *Id.*
3 If such If such information were made public, Waymo's competitive standing would be significantly
4 harmed. *Id.* Waymo's request to seal is narrowly tailored to only the confidential information. *Id.*

5 **III. DEFENDANTS' CONFIDENTIAL INFORMATION**

6 Waymo seeks to seal identified portions of Waymo's Response and accompanying Exhibits 1,
7 7, and 8 because Defendants have designated the information confidential and/or highly confidential.
8 Roberts Decl. ¶ 4. Waymo takes no position on the merits of sealing the designated material, and
9 expects Defendants to file one or more declarations in accordance with the Local Rules. Roberts
10 Decl. ¶ 5.

11 **IV. CONCLUSION**

12 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above
13 listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo
14 respectfully requests that the Court grant Waymo's Administrative Motion.

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16 DATED: December 4, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

18 By /s/ Charles K. Verhoeven

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